

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

BRUCE JOHNSON,

Petitioner,

V.

CIVIL ACTION NO. 1:09CV7
(Judge Keeley)

JOEL J. ZIEGLER,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 21, 2009, pro se petitioner, Bruce Johnson, ("Johnson") filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge David J. Joel for initial screening and a Report and Recommendation ("R&R") in accordance with Local Rule of Prisoner Litigation 83.09.

On March 23, 2009, Magistrate Judge Joel issued an R&R recommending that this Court grant the defendant's motion to dismiss, deny the petition and dismiss the case with prejudice. The R&R also specifically warned that failure to object to it would result in the waiver of any appellate rights on this issue. Nevertheless, Johnson failed to file any objections.¹

¹ Johnson's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 14), **GRANTS** the defendant's motion (dkt. no. 9), **DENIES** the Petition for Writ of Habeas Corpus (dkt. no. 1), and **DISMISSES** this case **WITH PREJUDICE**. The Court directs the Clerk to **STRIKE** this case from the Court's docket and to mail a copy of this Order to the pro se petitioner, certified mail, return receipt requested, and to transmit copies of this Order to counsel of record.

Dated: April 22, 2009.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE